

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 15886-477
3COM Case No. 1705.CTO.US.C
MBHB Case No. 01-229-A

In the application of:

Peter Si-Sheng Wang et al.

Serial No.: 09/686,124

Filed: October 10, 2000

For: METHOD APPARATUS AND
COMMUNICATION SYSTEM
FOR COMPANION
INFORMATION AND
NETWORK APPLIANCES

Examiner: Marc D. Thompson

Group Art Unit: 2144

Confirmation No. 4296

TRANSMITTAL LETTER

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In regard to the above identified application,

1. I am transmitting herewith the attached:
 - a) Issue Fee Transmittal – Form PTOL-85 (Part B);
 - b) Comments on Statement of Reasons for Allowance;
 - c) Check for \$1,400.00; and
 - d) Return Receipt Postcard.
2. With respect to additional fees:
 - a) A check in the amount of \$1,400.00 is enclosed.
 - b) Please charge any underpayment or credit any overpayment to Deposit Account, No. 13-2490. A duplicate copy of this sheet is enclosed.

3. CERTIFICATE OF MAILING UNDER 37 CFR § 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1 hereinabove, are being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 2, 2005.

Date: March 2, 2005

Respectfully submitted,

By: 

Robert J. Irvine III

Reg. No. 41,865

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300 South Wacker Drive

Chicago, Illinois 60606-6709

312-913-0001



PATENT

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Peter Si-Sheng Wang et al.

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**For: Method, Apparatus, and Communication)
System for Companion Information and)
Network Appliances)**

Examiner: Marc D. Thompson

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COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

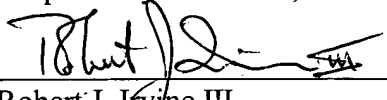
The Applicants express appreciation for the allowance of the claims in the application identified above. However, in an Office Action mailed June 22, 2004, the Examiner made statements in regard to Allowable Subject Matter, and in particular paraphrased some of the Applicants' claims. While the Applicants believe that the claims are allowable, the Applicants do not acquiesce that patentability resides in each feature, exactly as expressed in the claims or as expressed in the Examiner's paraphrasing of the claims, nor that each feature is required for patentability.

Further, in the Office Action mailed June 22, 2004, the Examiner rejected claims 76-90 under the judicially created doctrine of obviousness-type double patenting as being unpatentable

over claims 1-75 of U.S. Patent No. 6,161,134. The Examiner indicated that although the conflicting claims are not identical, they are not patentably distinct from each other because the differences between the claimed invention and the patented claims involve merely potential invocation of 35 U.S.C. §112, sixth paragraph, "means plus function" language. The Examiner further indicated that the Applicants admit the claim correlation and cited the Applicants' amendment filed on March 26, 2004, where the Applicants indicated that the "Applicant's new claims essentially track those claims that have already issued in Applicants' related case, United States Patent No. 6,161,134 issued to Wang et al., on December 12, 2000" (hereinafter "the statement"). The Examiner stated "This is clear and convincing evidence that the patented claims and the presented claims do not differ in scope beyond a trivial amount."

The Applicants made "the statement" to assist the Examiner by identifying an issued patent based on a parent application to which a claim for priority of the application being examined was made. However, the Applicants do not acquiesce that that patented claims and presented claims do not differ in scope beyond a trivial amount, nor that "the statement" is clear and convincing evidence that the patented claims and the presented claims do not differ in scope beyond a trivial amount.

Date: March 2, 2005

Respectfully submitted,
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